

4.4 Agricultural Preservation District

4.4.1 Purpose of the Agricultural Preservation District

The purpose of the Agricultural Preservation District is to permit, protect and encourage the continued use of the land for agricultural purposes and to maintain agriculture as an ongoing economic activity in the township. Agricultural business concerns and other uses supportive of the agricultural community are to be encouraged. This District is comprised of those areas in the Township whose predominant land use is agricultural. It is also the intent of the Agricultural Preservation District regulations to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises, to limit development which requires highways and other public facilities in excess of those required by agricultural uses and to maintain agricultural lots or farms in sizes which will permit efficient agricultural operations.

4.4.2 Agricultural Preservation District Permitted Uses

- 4.4.2.1** Accessory Use or Structure (see Section 5.2);
- 4.4.2.2** Agricultural Operation (see Section 4.4.6.1.3);
- 4.4.2.3** Agricultural Business (see Section 4.4.7);
- 4.4.2.4** Animal Hospital (see Section 6.3);
- 4.4.2.5** Bed & Breakfast Inn (see Sections 4.4.7 and 6.5);
- 4.4.2.6** Communication Antennae and Equipment Buildings (see Section 6.7);
- 4.4.2.7** Communication Tower (Height 100 Feet or Less) (see Section 6.7);
- 4.4.2.8** Cultivation of Crops (no permit req'd);
- 4.4.2.9** Dwelling, Multi-Family in Existing Farm Dwelling (This use shall only be permitted when operated by the farm owner operator. No subdivision of land for this use shall be permitted.);
- 4.4.2.10** Dwelling, Seasonal, Hunting or Fishing Club (see Section 4.4.7);
- 4.4.2.11** Dwelling, Single Family Detached (see Section 4.4.7);
- 4.4.2.12** Dwelling, Two-Family (see Section 4.4.7);

- 4.4.2.13 Essential Services (no permit req'd);
 - 4.4.2.14 Family Based Group Home (see Section 6.10);
 - 4.4.2.15 Family Day Care Home (see Section 6.14);
 - 4.4.2.16 Forestry Activities (no permit required);
 - 4.4.2.17 Home Occupation (See Section 6.14);
 - 4.4.2.18 No Impact Home Based Business (see Section 6.18);
 - 4.4.2.19 Recreation Facility, Public (see Section 4.4.7);
 - 4.4.2.20 Retail, Office, Service Use, or Restaurant (This use shall only be permitted when operated by the farm owner operator. No subdivision of land for this use shall be permitted. However, a land development plan in accordance with the Subdivision and Land Development Ordinance for Buffalo Township shall be required. See Section 4.4.7);
 - 4.4.2.21 Riding Stables, Commercial (see Section 6.19); or
 - 4.4.2.22 Riding Stable, Private (see Section 6.19).
- 4.4.3 Agricultural Preservation District Special Exception Uses (see Criteria in Article 6)**
- 4.4.3.1 Commercial Kennel (see Section 4.4.7);
 - 4.4.3.2 Communication Tower (Height Greater Than 100 Feet);
 - 4.4.3.3 Home Based Business;
 - 4.4.3.4 Public or Quasi-Public Uses (see Section 4.4.7); or
 - 4.4.3.5 Recreation Facilities, Commercial (see Section 4.4.7);
- 4.4.4 Agricultural Preservation District Conditional Uses (see Criteria in Article 6)**
- 4.4.4.1 Surface Mining (see Section 4.4.7).
- 4.4.5 Agricultural Preservation District Height and Coverage Requirements**
- 4.4.5.1 Maximum Building Height: 45 ft. (see Section 5.5 for Exceptions)
 - 4.4.5.2 Maximum Impervious Coverage: 40%

4.4.5.3 Maximum Building Coverage: 20%

4.4.6 Agricultural Preservation District Areas and Dimensions

4.4.6.1 Agricultural Operation; Animal Kennel; and Riding Stable, Commercial

4.4.6.1.1 Minimum Lot Size: 10 acres

4.4.6.1.2 Minimum Lot Width: 200 ft.

4.4.6.1.3 Manure Storage Facilities

New or expanded manure storage facilities shall be constructed in accord with 25 Pa. Code § 83.351 through § 83.491 (Subchapter D. Nutrient Management) and 25 Pa. Code § 91.36 (Pollution Control and Prevention at Agricultural Operations), and any other applicable federal or state laws relating to said facility. The applicant shall provide documentation to the Zoning Officer that demonstrates compliance with the above referenced regulations, and/or federal and state laws.

4.4.6.1.4 Requirement for Agricultural Buildings Exceeding 10,000 ft² In Area

Applicants for new agricultural buildings exceeding 10,000 square feet in area shall submit a site plan for approval in accord with the Buffalo Township Subdivision and Land Development Ordinance. The plan shall in particular address storm water management and truck access to the building site.

4.4.6.1.5 Minimum Yards

front: 50 ft.

side: 50 ft.

rear: 50 ft.

4.4.6.2 Agricultural Business; Animal Hospital; Bed & Breakfast Inn; Dwelling, Seasonal; Dwelling, Single Family Detached; Dwelling, Two Family; Hunting or Fishing Club; Public or Quasi-Public Use; Recreation Facility, Commercial; Recreation Facility, Public; and Surface Mining

4.4.6.2.1 Minimum Lot Area: 1 acre

4.4.6.2.2 Minimum Lot Width: 100 ft.

4.4.6.2.3 Minimum Yards

front: 25 ft.
side: 10 ft.
rear: 20 ft.

4.4.7 Limitations With Respect to Non- Agricultural Development Uses in the Agricultural Preservation District

Non - Agricultural Development Uses in the Agricultural Preservation District shall be subject to the following limitations and standards:

4.4.7.1 Maximum Acres Allocated To Non-Agricultural Development Uses

The number of acres of non-agricultural development permitted in the Agricultural Preservation district after July 6, 1992 shall be based on the size of the Core Farm Tract in accord with the following schedule and standards.

<u>Size (Acres) Of Core Farm Tract As of July 6, 1992</u>	<u>Total Number of Acres of Non- Agricultural Development Permitted</u>
1-5 acres	1
> (greater than) 5 up to 15	2
> 15 up to 30	3
> 30 up to 50	4
over 50	5 acres plus 1 acre for each additional 20 acres over 50 acres

4.4.7.2 New non-agricultural development uses shall be on the least agriculturally productive land feasible, so as to minimize interference with agricultural production on prime agricultural lands (USDA Class I, II, and III).

4.4.7.3 As noted in Section 4.4.7.1 the lot size (acres) existing in the core farm tract shall be the number of contiguous acres owned by the same person, persons or entity as of July 6, 1992. For purposes of this provision, roads, alleys, streets, highways, natural or manmade boundaries and tax map parcels shall be disregarded for the purpose of determining if acres are contiguous.

4.4.7.4 Owners of the core farm tract are urged to consider techniques to minimize the effects of new non-agricultural development on agricultural operations including use of least productive soils, maximizing distance from livestock operations, contiguous lot

placement using a common access, or other methods. In addition, innovative arrangements involving clustering of units and DEP approved sewage disposal alternatives may be considered when suitable legal arrangements are implemented by the applicant.

4.4.8 Division of Land for Agricultural Operations in the Agricultural Preservation District

4.4.8.1 A property owner submitting a subdivision plan for any purpose involving an agricultural operation will be required to specify on his plan which lot or lots carry with them the right to erect or place any unused quota of acres for non-agricultural development his tract may have.

4.4.8.2 The property owner shall also be required to assign for each lot created for a new agricultural operation at least one acre for a farm dwelling and to demonstrate that the lot can be approved as a location for the placement of a farm dwelling unit unless the lot is being permanently merged with another parcel which has either an existing dwelling or the right to erect or place at least one dwelling.

4.4.9 Agricultural Nuisance Disclaimer in the Agricultural Preservation District

The following notation shall be affixed to all subdivision plans and to deeds for newly created parcels in the Agricultural Preservation District.

Lands within the Agricultural Preservation District are used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of this property should be prepared to accept these conditions and are hereby put on official notice that Section 4 of the Pennsylvania Act 33 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

Failure to comply with this section by not placing this nuisance disclaimer in any subdivision plan or deed for parcel in the Agricultural Preservation District, shall in no way be construed as a waiver, restriction or limitation of any rights to utilize land in the agricultural preservation district under any applicable federal, state, or local laws, including permitted agricultural uses under this zoning ordinance.